

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILLIP GILLARD,

Petitioner,

v.

WARDEN JOHN DELANEY, et al. MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

Respondents.

FILED

FEB 21 2014

CIVIL ACTION

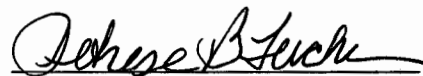
NO. 13-1046

ORDER

AND NOW, this 20<sup>th</sup> day of February, 2014, upon consideration of Petitioner's Petition for a Writ of Habeas Corpus (Doc. 3), Respondents' Response (Doc. 12), the Report and Recommendation of United States Magistrate Judge Lynne A. Sitarski (Doc. 17), and Petitioner's Objections to the Report and Recommendation (Doc. 19), **IT IS HEREBY ORDERED AND DECREED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Petition for a Writ of Habeas Corpus is **DISMISSED** without prejudice.
3. There is no basis for the issuance of a certificate of appealability.
4. The Clerk of Court shall mark this case as **CLOSED** for statistical purposes.

BY THE COURT:



Hon. Petrese B. Tucker, C.J.